2240.

SUPREME COURT OF THE UNITED STATES

No. 200.

JAMES STEVENS, APPELLANT,

vs.

ISAAC H. CADY.

ON APPEAL FROM THE CIRCUIT COURT, UNITED STATES, FOR THE DISTRICT OF RHODE ISLAND.

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Gideon, printer.

At a circuit of court of the United States, for the first circuit, holden at Providence, within and for the Rhode Island district, on the fifteenth of November, A. D. 1849.

Present, the honorable Levi Woodbury, associate justice Supreme Court, U. S.; the honorable John Pitman, U. S. district judge, for R. I. district; James M. Clark, esq., U. S. district attorney, for said district; George W. Jackson, esq., U. S. marshal; John T. Pitman, clerk of circuit court.

Among other causes disposed of was the following:

Bill in equity.

JAMES STEVENS }
vs. }
ISAAC H. CADY. }

Be it remembered, that on the nineteenth day of May, A. D. 1847, of the circuit court of the United States, for the Rhode Island district, the following bill was filed:

CIRCUIT COURT, *Rhode Island district.*

In chancery.

To the judges of the circuit court of the United States, for the district of Rhode Island.

James Stevens, of the town and county of Newport, State of Rhode Island, &c., and a citizen of the State of Rhode Island, &c., brings this his bill against Isaac H. Cady, of the city and county of Providence, in the State of Rhode Island, &c., a citizen of the State of Rhode Island, &c.; and thereupon your orator complains and says:

That, according to an act of the United States, entitled "An act to amend the several acts respecting copy rights, (approved on the third day of February, 1831, it is, among other things, enacted,) 'that from and after the passing of this act, any person or persons, being a citizen or citizens of the United States, or resident therein, who shall be the author or authors of any book or books, map, chart, or musical composition, which may be now made or composed, and not printed and published, or shall hereafter be made or composed, or who shall design, etch, engrave, work, or cause to be engraved, etched, or worked, from his own design, any print or engraving, and the executors, administrators, or legal assigns of such person or persons, shall have the sole right and liberty of printing, re-printing, publishing, and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole or in part, for the time of twenty-eight years, from time of recording the title thereof, in the manner hereinafter directed.'"

Your orator obtained the sole and exclusive right for twenty-eight years, and did, pursuant to the act of Congress aforesaid, with great cost, labor, science, and skill, from his own survey and design, cause to be etched, engraved, printed, published, and sold, "a topographical map of the State of Rhode Island and Providence Plantations;" and pursuant to the fourth section of the act aforesaid, your orator deposited a printed copy of the title of said topographical map, in the clerk's office of the district court of Rhode Island district, and the clerk of said district court made a record thereof forthwith, in a book kept for that purpose, in the words following:

"DISTRICT OF RHODE ISLAND, *to wit:*

"Be it remembered, that on the twenty-third day of April, anno domini one thousand eight hundred and thirty-one, James Stevens, of said district, hath deposited in this office the title of a map, the title of which is in the words following:

"A topographical map of the State of Rhode Island and Providence Plantations, surveyed trigonometrically and in detail by James Stevens, topographer and civil engineer, Newport, R. I., 1831, the right whereof he claims as author in conformity with the act of Congress, entitled 'an act to amend the several acts respecting copy rights.'

"Signed, BENJAMIN COWELL,
"*Clerk of the Rhode Island district.*"

And your orator further states, that within three months from the publication of said map, he delivered a copy of the same to the clerk of said district; and your orator further states, that according to the fifth section of the act aforesaid he caused to be impressed on the face of the map aforesaid, the following words, viz:

"Entered according to act of Congress, in the year one thousand eight hundred and thirty-one, by James Stevens, in the clerk's office of the district court of Rhode Island district."

And your orator further states, that according to the seventh section of the act aforesaid, it is further enacted—

"That, if any person or persons, after the recording the title of any print, cut, or engraving, map, chart, or musical composition, according to the provisions of this act, shall within the term or terms limited by this act, engrave, etch, or work, sell, or copy, or cause to be engraved, etched, worked, or sold, or copied, either on the whole, or by varying, adding to, or diminishing the main design, with intent to evade the law, or shall print or import for sale, or cause to be printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copy right thereof first obtained in writing, signed in presence of two credible witnesses; or knowing the same to be so printed or imported without such consent, shall publish, sell, or expose to sale, or in any manner dispose of any such map, chart, musical composition, engraving, cut, or print, without such consent as aforesaid; then such

offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, or print shall be copied, and also all and every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copy right thereof; and shall further forfeit one dollar for every sheet of such map, chart, musical composition, print, cut, or engraving which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the proprietor or proprietors, and the other moiety to the use of the United States, to be recovered in any court having competent jurisdiction thereof."

And that under the provisions of this seventh section of the act aforesaid, your orator never did, at any time, or to any person whatever, give consent, either verbally, in writing, or in any other manner, to etch, engrave, or work, or sell, or copy, or alter, print, reprint, publish, or expose to sale, any of the maps of the State of Rhode Island and Providence Plantations, for which your orator hath obtained the copy right; but that, on the contrary, your orator always has been, and still continues to be, the sole proprietor of the map aforesaid, and that he always has printed, published and sold, and still continues to print, publish, and sell, by himself, his servants, and his duly authorized agents, the maps for which he obtained the copy right aforesaid.

And your orator further states, that having great reason to believe and expect that the sales of the copy right map aforesaid would be rapid, extensive, and profitable, and that under the provisions and protection of the act of Congress herein above named, your orator should continue to print, publish, and sell the map aforesaid, and to enjoy the sole benefit, profit, and advantage arising therefrom, without his copy right thereto being violated or infringed upon, or having any molestation or hindrance therein, from, or by any person or persons whomsoever, as in justice and equity ought to have been the case.

But now, so it is, that one Isaac H. Cady, of the city and county of Providence, in the State of Rhode Island, &c., in Rhode Island district, bookseller and stationer, his servants, workmen, agents, and others, combining and confederating together, and with divers persons, at present unknown to your orator, whose names, when discovered, your orator prays he may be at liberty to insert herein, with apt words to charge them as parties hereto; and contriving how to wrong and injure your orator, by depriving your orator of the gains and profits which he was and is entitled to have and receive from the sole and exclusive printing, publishing, and selling of the topographical map of the State of Rhode Island and Providence Plantations, the copy right to which was, and still is, the sole property of your orator; and that the said Isaac H. Cady, his servants, workmen, agents, and others, since your orator had obtained his copy right to print, publish, and sell his genuine and legitimate map aforesaid, have also, within the year one thousand eight hundred and forty-six, printed, published, and sold, or caused to be printed, published, and sold, a certain other topographical map of the State of Rhode Island and Providence Plantations, of the

same size, the same lettering, the same topographical characters, and the same general appearance in the body of the main design, as the true copy right map of your orator, with the exception of the addition of the names of a few unimportant private places, and the erasure of two or three small spots therein, and the insertion of parts of two or three railroads, now built or contemplated.

And your orator further charges that the said Isaac H. Cady, his servants, workmen, agents, and others have, the more effectually to pass off on the public their spurious, illegitimate, and pirated map aforesaid, assumed the same title in every respect as that of your orator's genuine copy right map, with the trifling exception of the erasure of the word "Newport, R. I.," and the insertion of the words "with additions and corrections by S. B. Cushing and H. F. Walling," and the alteration of the date 1831 to 1846.

And your orator further charges that the said Isaac H. Cady, his servants, workmen, agents, and others, have impressed on the face of their spurious, illegitimate, and pirated map aforesaid the notice of the "entry required by act of Congress" to be impressed on the face of the copy right map, and in said notice, so impressed, they have erased the words "thirty-one," and inserted in the place thereof the words "forty-six;" they have also erased the name of your orator, and inserted the name of "Isaac H. Cady" thereon; and many other wrongs and injuries have done in and about the premises.

And your orator further charges, that the copper plate engraving, from which your orator's genuine copy right map was printed or impressed, has been for some time past discarded and wholly laid aside by him from any further use, it being the intention and determination of your orator to have the map aforesaid etched and engraved on steel plates, for the purpose of producing a better and more distinct appearance of the whole work, and for correcting any defect which may be found in the original design, and for inserting all the new improvements, railroads, factories, mills, and churches thereon, so as to produce as complete a topographical map as possible.

That your orator has good reason to suspect and believe that the said Isaac H. Cady, his servants, workmen, agents, and others, have obtained the same identical copperplate engraved as aforesaid, by some means to your orator wholly unknown; and have used the same copperplate, or a very similar one, (to every appearance, from the great and striking resemblance of, and the exact mathematical dimensions and locations of all its parts, with that of your orator's copy right map,) for the purpose of printing therefrom the spurious, illegitimate, and pirated edition of the map of the State of Rhode Island and Providence Plantations.

And your orator further charges, that the said Isaac H. Cady, his servants, workmen, agents, and others, the more effectually to increase the sales of their spurious, illegitimate, and pirated map, and to prevent the sale of your orator's genuine copy right map, have sold, and still continue to sell, their spurious, illegitimate, and pirated maps, at

and for a much lower price than your orator's genuine copy right map were or are sold for, whereby the sale of your orator's said maps has been for a considerable time past, and still is, greatly lessened and hindered, to the great damage, injury, and prejudice of your orator; and the said Isaac H. Cady, his servants, workmen, agents, and others, to give color to such unjust and unfair proceedings, sometimes pretend that the said map, so printed, published, and sold by them, is not the same map printed, published, and sold by your orator, but is another and different map; whereas your orator charges that the said map, so printed, published, and sold by the said Isaac H. Cady, his servants, workmen, agents, and others, is in fact the same map as that printed, published, and sold by your orator, and for which he has obtained the legal copy right, being the same impression in all its parts, except some small alterations and additions to give color to their unjust pretensions, and they sometimes give out and pretend, that your orator's map was not, nor is, printed, published, and sold by them for their own use and benefit, or by their directions.

Whereas your orator charges that they, the said Isaac H. Cady, his servants, workmen, agents, and others, have either printed and published, or have caused their spurious, illegitimate, and pirated edition of the map aforesaid, to be printed and published at their own expense, in order to sell and dispose of the same at an under rate, or cheaper price, for their own benefit, and thereby deprive your orator of the sole benefit and advantage of his copy right in his said map; that a copy of the spurious, illegitimate, and pirated map aforesaid, has been purchased from the store of said Isaac H. Cady, in the city of Providence, Rhode Island, for the sum of two dollars, and your orator charges, that said Isaac H. Cady, his servants, workmen, agents, and others, have sold and disposed of two thousand or a great number of copies of the spurious, illegitimate, and pirated map, not only at their own stores in a retail way, but also to different booksellers in foreign parts, beyond the precincts of this district, for their own benefit and advantage, and they threaten that they will continue to print, publish, and sell as many of said maps, or cause to be printed, published, and sold for their own benefit and advantage, as they may think proper, and notwithstanding your orator hath requested the said Isaac H. Cady, and through him his servants, workmen, agents, and others, to desist and abstain from such proceedings, and also (according to act of Congress herein before mentioned) to deliver to your orator, who is the sole proprietor of the copy right, "the plate or plates on which said map has been copied," and also all and every sheet thereof so copied or printed, and also to pay unto your orator the "forfeiture of one dollar for every sheet thereof so printed and published," the one moiety of which to the use of the United States; yet, though so requested, they still refuse so to do. All of which actings, doings, pretences, and refusals are contrary to equity and good conscience, and tend to the manifest wrong and injury of your orator in the premises; in consideration whereof, and forasmuch as

your orator can only have adequate relief in the premises in this court of equity, where matters of this nature are properly cognizable and relievable. To the end, therefore, that the defendants may, if they can, show why your orator should not have the relief hereby prayed, and may, upon their several and respective corporal oaths, and according to the best and utmost of their several and respective knowledge, remembrance, information, and belief, full, true, direct, and perfect answer make, to such of the several interrogatories hereinafter numbered and set forth, as by the note hereunder written they are respectfully required to answer, that is to say:

1. Whether any, and if any what, number of copies of the maps above named, you or your servants, workmen, agents, or others, have printed or caused to be printed by your or their order, or by either of their orders, for your and their or either of their use or benefit?

2. Whether any, and if any what, number of copies of the map above named have been sold or disposed of by you, or by others for you, for your own benefit, or their or either of their benefit, and at what price or prices said maps have been sold for and continue to be sold for?

3. Whether any, and if any what, number of the copies of the map above named remain unsold, and in whose hands or possession said maps or any of them are or remain?

4. Who printed the maps above named, and where and at what place were they printed; by whom were said maps colored; by whom were they fitted up ready for sale, and at what price or prices?

5. Who engraved the copperplate on which the above named map was printed, and at what cost or price, in whole and in part?

6. Who drafted on the copperplate, or otherwise, the railroads and other alterations and additions to the map above named, and at what cost or expense?

7. In whose hands or possession is the copper plate on which you, or some other person or persons for you, have engraved the map above named?

8. Who were and now are your servants, workmen, agents, and others, who assisted you in printing, publishing, selling, and exposing to sale, all or any of the above named maps, for your or their use or benefit, or for either of their use or benefit, and who confederated with you and others, or with you alone, for the purpose of printing, publishing, vending, or exposing to sale for your or their profit, use, and benefit the maps above named?

9. Do you know, or can you set forth, any other matter or thing, which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

And that the said Isaac H. Cady, his servants, workmen, agents, and others, his confederates, may be respectively restrained by the order and injunction of this honorable court, from the further printing,

publishing, selling, or exposing to sale by themselves, their servants, or agents, the said map of the State of Rhode Island and Providence Plantations, or in any way being concerned in the printing, publishing, selling, or exposing to sale any copy or copies of the said map, or of any other map or maps purporting to be, or resembling the map printed, published, and sold by your orator.

And that the said Isaac H. Cady, his servants, workmen, agents, and others, his confederates, may be decreed (according to the act of Congress herein above named) to deliver to your orator "the plate or plates," on which they have printed or caused to be printed the spurious, illegitimate, and pirated maps of the State of Rhode Island and Providence Plantations; and also to deliver unto your orator "all and every sheet thereof, so copied or printed," and that they be also further decreed to pay into the hands of your orator the forfeiture of one dollar for every sheet of said map which they have printed or caused to be printed or published, or exposed to sale, "one moiety thereof to your orator, and the other moiety to the use of the United States.

May it please this honorable court to grant unto your orator a writ of subpœna, to be directed to the said Isaac H. Cady, his servants, workmen, agents, and others, thereby commanding him and them, at a certain day, and under certain pains therein to be limited, personally to be and appear before this honorable court, and then and there full, true, direct, and perfect answers make to all and singular the premises; and further to stand to, perform, and abide such further order, direction, and decree therein, as to this honorable court shall seem meet, and that your orator may have such other relief in the premises as the nature and circumstances of the case may require and to this honorable court shall seem meet; and your orator shall ever pray.

JAMES STEVENS.

NOTE.—The defendant, Isaac H. Cady, is required to answer the interrogatories numbered, respectively, 1, 2, 3, 4, 5, 6, 7, 8, and 9, herein above inserted.

NEWPORT, *sct.*

NEWPORT, *January* 27, 1847.

Then personally appeared before me the above named James Stevens, and made oath in due form of law to the facts and statements contained in the foregoing bill by him subscribed.

WILLIAM GILPIN,
Justice of the Peace.

Fees, 25 cents—paid by James Stevens.

UNITED STATES OF AMERICA,
Rhode Island district, sct.

CLERK'S OFFICE, CIRCUIT COURT,
At Providence, January 27, 1847.

Then personally appeared the above named James Stevens, subscriber to the above bill, and made oath that the facts and statements in said bill contained are true and correct according to the best of his knowledge and belief.

Before me, JOHN T. PITMAN, *Clerk*.

Fees, 25 cents—paid by James Stevens.

Subpœna.

RHODE ISLAND DISTRICT, *sct.*

The President of the United States of America, to Isaac H. Cady, of the city and county of Providence, in the State of [L. S.] Rhode Island, &c., a citizen of the State of Rhode Island, &c., greeting:

For certain causes offered to our circuit court, for the first circuit, within and for the Rhode Island district.

In chancery.

We hereby command and strictly enjoin you, and each of you, that laying aside all other matters and things, and notwithstanding any other excuse, you, and each of you, personally appear at the clerk's office of said court, in Providence, on Monday, the sixth day of July next, being the rule day of said court, and then and there full, true, and perfect answer make upon your several corporal oaths to the bill of complaint of James Stevens, of the town and county of Newport, State of Rhode Island, &c., and a citizen of the State of Rhode Island, &c., now filed of record in the clerk's office of said court, and to do and receive whatever our said court shall order against you in the premises in this behalf; and hereof fail not under the pains and penalties that may accrue in consequence of neglect thereof.

And the marshal of said Rhode Island district, or his deputy, is hereby commanded to make service of this writ by reading the same to the said Isaac H., or by leaving a true and attested copy hereof at their several last and usual places of abode twenty days before the rule day aforesaid.

Witness the hon. Roger B. Taney, our chief justice at Providence, this first day of June, A. D. 1847.

JOHN T. PITMAN, *Clerk*.

2245
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Memorandum.

The appearance of the respondents in the suit is to be entered in the clerk's office on or before the return day of this writ, otherwise the bill may be taken pro confesso as against those not appearing.

UNITED STATES OF AMERICA,
Rhode Island district, sc.

PROVIDENCE, *June 2d*, 1847.

I have this day made service of the within subpœna, by directing a true and attested copy of the within subpœna to the residence of the within named Isaac H. Cady, in the city of New York, all which as commanded.

B. ANTHONY,
U. S. marshal, R. I. district.

Fees—Service - - - - -	$2 00
Copy - - - - -	50
Travel 100 miles - - - -	10 00
	$12 50

Second subpœna.

RHODE ISLAND DISTRICT, *sc.*

The President of the United States of America, to Isaac H. Cady, of the city and county of Providence, in the State of Rhode [L. S.] Island, &c., a citizen of the State of Rhode Island, &c., greeting:

For certain causes offered to our circuit court for the first circuit within and for the Rhode Island district, in chancery. We hereby command and strictly enjoin you and each of you, that laying aside all other matters and things, and notwithstanding any other excuse, you and each of you personally appear at the clerk's office of said court in Providence, on Monday, the sixth day of September next, being the rule day of said court, and then and there full, true, and perfect answer make upon your several corporal oaths to the bill of complaint of James Stevens, of the town and county of Newport, State of Rhode Island, &c., and a citizen of the State of Rhode Island, &c., now filed of record in the clerk's office of said court, and to do and receive whatever our said court shall order against you in the premises in this behalf; and hereof fail not under the pains and penalties that may accrue in consequence of neglect thereof.

And the marshal of said Rhode Island district, or his deputy, is hereby commanded to make service of this writ by reading the same to the said Isaac H. Cady, or by leaving a true and attested copy hereof at

their several last and usual places of abode, twenty days before the rule day aforesaid.

Witness the hon. Roger B. Taney, our chief justice at Providence, this third day of August, A. D. 1847.

JOHN T. PITMAN, *Clerk*.

Memorandum.

The appearance of the respondents in the suit is to be entered in the clerk's office on or before the return day of this writ, otherwise the bill may be taken pro confesso as against those not appearing.

UNITED STATES OF AMERICA,
Rhode Island district, sc.

August 13th, 1847.

I have made service of this writ by reading the same in the presence and hearing of Isaac H. Cady, named therein, and have delivered to him in hand a certified copy of the same, all which as commanded.

R. CLAPP,
Dep. U. S. marshal.

Fees—Service - - - - -	$2 00
Copy - - - - -	50
	$2 50

And on the sixth day of October, 1847, the following answer was made:

Answer of Isaac H. Cady.

Circuit court of the United States, for the district of Rhode Island.

JAMES STEVENS
vs.
ISAAC H. CADY.

The answer of said Isaac H. Cady to said bill, or so much thereof as he is advised it is material for him to answer, is as follows, saving to himself all advantage from any informality or insufficiency in said bill, he answering saith, that he hath been informed and believes, and so states the facts to be, that Sarah Stevens, of Fall river, in Massachusetts, on the 1st day of April, A. D. 1846, having recovered a judgment against said James Stevens for one hundred and seventy-six dollars damages, and eighteen dollars and twenty-three cents, costs of suit, before the court of common pleas, held at Taunton, in and for Bristol county, in said State of Massachusetts, on the second Monday of March, 1846, which court had jurisdiction of said cause, took out from said

court an execution duly issued by said court under the seal thereof and signed by the clerk thereof, and dated the 11th day of April, 1846, all in due form of law, ready to be produced and shown as this honorable court may direct, commanding the sheriff of said county of Bristol, that of the goods, chattels, or land of the said James Stevens, within said county, he should cause to be paid and satisfied unto said Sarah Stevens, or the value thereof in money, the said sum of one hundred and ninety-four dollars and twenty-three cents in the whole, and twenty-five cents for said writ of execution, and thereof also to satisfy himself for his lawful fees in the premises, and for want of such goods, chattels, or lands of the said James Stevens, by him shown or found within his precincts to the acceptance of the said Sarah, the said sheriff was commanded in and by said writ to take the body of said James Stevens, and him commit to the county jail at Taunton or New Bedford, in said county of Bristol, and him detain in custody within said jail until he should pay the sum above mentioned with the fees thereon, or be lawfully discharged by said Sarah or by order of law, and that said sheriff should make due return of said writ, with his doings thereon; all which will more fully appear by the records and files of said court of common pleas, for said Bristol county, copies of which are ready to be shown and produced as this honorable court may direct.

And this deponent further answering saith, that said James Stevens neglected to pay said debt and satisfy said execution, and left or turned out at Fall river aforesaid, within the precincts of the sheriff to whom said execution was delivered to be collected, and then and thereby turned out to said sheriff said copperplate on which said map was engraved, by leaving or placing the same where said sheriff might levy on the same in default of payment of said execution; and because said James Stevens neglected to pay and satisfy said execution, and left said property to satisfy the same, said sheriff, at Fall river aforesaid, on or about the 25th day of April, 1846, levied said execution upon said copperplate, so as aforesaid engraved for printing said maps, and duly posted and advertised the same for sale to satisfy said execution, and, after the expiration of more than four days after said levy, and, after giving said James Stevens full opportunity to pay said execution, and save said property from being sold if he had chosen so to do, said sheriff, on or about the 6th of May, 1846, at Fall river aforesaid, sold at public auction said copperplate so as aforesaid engraved with said engraving thereon, to this defendant, Isaac H. Cady, for the sum of two hundred and forty-five dollars, he being the highest bidder for the same; and on the 9th day of May, 1846, this defendant paid said sheriff said sum of two hundred and forty-five dollars for said plate, and received the same from said sheriff as his own property, and ever since hath, and now has, the same in his, this defendant's, possession, and hath used said plate, so as aforesaid engraved, for printing said maps by him made and sold, and for no other purpose, and hath not used any other plate for such purpose, and that all the maps of said State,

referred to in said bill as printed or sold, were printed from and by the use of said plate, and none other.

And this defendant further answering saith, that with said money, paid to said sheriff, he paid and satisfied said execution against the complainant, and all his fees, and returned about sixty-two dollars of said money to said Stevens, which he received and appropriated to his own use, as the defendant hath been informed and believes.

And this defendant further answering saith, that said copperplate without said engraving was of no value except for old copper, and as such could not have exceeded in value the sum of five or ten dollars, as this deponent believes; that the principal value of said plate arose from the map engraved upon it, and that for the engraved plate this defendant bid said sum, which he paid said sheriff for the same.

And this defendant submits to this honorable court, that, by reason of the facts aforesaid, and the purchase of said plate and said map engraved thereon, this defendant became possessed of the right to print and publish said maps of the State of Rhode Island, and sell the same, and that said Stevens hath virtually, impliedly, and legally assented thereunto. And as to any fraud or confederacy charged in said bill, this defendant says the same is not true; and this defendant submits to this honorable court that he is not bound to make any other or further answer to said bill, and prays to be dismissed hence, with his costs in this behalf expended.

ISAAC H. CADY,
TILLINGHAST & BRADLEY,
Sol. for res.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

On this 4th day of October, 1847, came Isaac H. Cady, and having been sworn, made oath that he had read the foregoing answer, that he knows the contents thereof, and that the same is true of his own knowledge, except as to the matters which are therein stated to be on information or belief only, and that as to those matters he believes it to be true.

CHARLES W. NEWTON,
U. S. Com.

And on the 6th day of November next the complainant made the following replication:

Replication.

United States circuit court, Rhode Island district. In equity.

The replication of James Stevens, complainant, to the answer of Isaac H. Cady.

This repliant, saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiences of the said answer,

for replication thereunto saith, that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto, and that the said answer of said defendant is uncertain, untrue, and insufficient in law to be replied unto by this repliant. Without this, that any other matter or thing whatever in the said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true. All which matters and things this repliant is and will be ready to aver, maintain and prove, as this honorable court shall direct; and humbly prays, as in and by his said bill he hath already prayed.

JAMES STEVENS,
Complainant.

And at the June term, 1848, on motion of complainant, by agreement, said replication was withdrawn, and exceptions to the answer were then filed in the words following, to wit:

Exceptions.

Circuit court of the United States, Rhode Island district. In equity.

Between James Stevens, complainant, and Isaac H. Cady, defendant.

An exception, taken by the said complainant, to the insufficient answer of the said defendant; for the said defendant hath not to the best and utmost of his knowledge, remembrance, information, and belief, full, true, direct, and perfect answer made to the several interrogatories hereinafter numbered and set forth, from 1 to 8 inclusive, as by the note in the bill of this complainant he is required to answer, that is to say:

1. Whether any, and if any what, number of copies of the map above named you, or your servants, workmen, agents, or others, have printed, or caused to be printed, by your or their order, or by either of their orders, for your and their, or either of their, use or benefit?

2. Whether any, and if any what, number of copies of the map above named have been sold or disposed of by you, or by others for you, for your own benefit, or their or either of their benefit, and at what price or prices said maps have been sold for, and continue to be sold for?

3. Whether any, and if any what, number of the copies of the map above named remain unsold; and in whose hands, or possession, the said maps, or any of them, are or remain?

4. Who printed the maps above named, and where, and at what place were they printed; by whom were said maps colored; by whom were they fitted up ready for sale; and at what price or prices?

5. Who engraved the copperplate on which the above named map was printed; and at what cost or price, in whole or in part?

6. Who drafted on the copperplate, or otherwise, the railroads and

other alterations and additions to the map above named, and at what cost or expense?

7. In whose hands or possession is the copperplate on which you, or some other person or persons for you, have engraved the map above named?

8. Who were, and now are, your servants, workmen, agents, and others, who assisted you in printing, publishing, selling, and exposing to sale, all or any of the above named maps, for your or their use or benefit, or for either of their use or benefit, and who confederated with you and others, or with you alone, for the purpose of printing, publishing, vending, or exposing to sale for your or their profit, use, and benefit the map above named?

In all which particulars the said complainant excepts to the answer of the said defendant, as evasive, imperfect, and insufficient; and humbly prays that the said defendant may be compelled to put in full and sufficient answers thereto.

JAMES STEVENS,
Complainant.

At the rule day in October, 1848, the following orders were entered:

Rule day, October, 1848.

Walter S. Burges, esq., who has heretofore been solicitor of record in the above cases, having moved at the June term, 1848, to have his name stricken from said cases on the docket, it is now ordered that his name be taken off as of that term.

The respondents move in both said cases for surety for costs. It is ordered that surety be given in the sum of $200, to the satisfaction of the district clerk within twenty days.

Exceptions overruled without costs, and replication ordered to be filed in fifteen days, otherwise causes to stand on bill and answer.

At the November term following, the surety above required was given, as follows, viz:

Bond for costs.

Know all men by these presents, that we, James Stevens, of Stonington, in the State of Connecticut, as principal, and Jonathan T. Almy, of the town and county of Newport, in the State of Rhode Island, &c., merchant, as surety, are held and firmly bound unto Isaac H. Cady, late of Providence, in Rhode Island district, but now of the city and county of New York, bookseller, in the full and just sum of two hundred dollars; to the payment of which sum, to the said Isaac H. Cady, his executors and administrators, we hereby bind ourselves, our executors, and administrators, by these presents.

The condition of the above obligation is such, that whereas James Stevens, of Stonington, aforesaid, has commenced a suit by bill in equity, which is now pending in the circuit court of the United States,

for said Rhode Island district, against the said Isaac H. Cady, and the said court having ordered that the said James Stevens shall give to the said Isaac H. Cady surety for costs in said suit, now, if the said Stevens, as principal, and the said Jonathan T. Almy, as surety, shall *will* and truly pay, or cause to be paid, all the costs which the said James Stevens shall, by any decree or order of said court, be adjudged to pay in said suit, then this obligation to be void, otherwise to remain in full force.

Sealed with our seal, and dated this eleventh day of October, 1848.

JAMES STEVENS, [L. S.]
JONATHAN T. ALMY. [L. S.]

Witness—
E. TREVETT,
JOHN STEVENS.

Satisfied as to sufficiency of above.

JOHN T. PITMAN, *Clerk*.

And at the same term a motion was made by the complainant for a rehearing, which was afterwards withdrawn, and leave given to amend bill in sixty days, and also to amend answer, if necessary.

And afterwards, at the same term, on motion of respondent, it was ordered that the complainant, he not having amended his bill as above allowed, file his replication in thirty days; in default whereof the cause to be set down for hearing at the June term, on bill and answer.

And at the April rule day, 1849, the complainant filed in court the following petition for a commission to take testimony:

Petition for commission.

Circuit court, Rhode Island district, in equity.

JAMES STEVENS, complainant,
vs.
ISAAC H. CADY, respondent.

To the honorable circuit court of the United States, for the Rhode Island district.

The complainant in this bill prays a commission to issue to take testimony, and proposes that the testimony be taken upon oral interrogatories, by the parties or their agents, without filing any written interrogatories.

JAMES STEVENS,
For himself.

To JOHN T. PITMAN, esq.,
Clerk circuit court, Rhode Island district.

Which was not acted upon, because no replication had been filed

within the time specified. On the 21st of said April the following replication was filed:

Replication.

United States circuit court, Rhode Island district, in equity.

JAMES STEVENS
vs.
ISAAC H. CADY.

The replication of James Stevens, complainant, to the answer of Isaac H. Cady, respondent.

This repliant, saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto saith, that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto, and that the said answer of said defendant is uncertain, untrue, and insufficient in law to be replied unto by this repliant; without this, that any other matter or thing whatever in the said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things this repliant is and will be ready to aver, maintain, and prove, as this honorable court shall direct; and humbly prays, as in and by his said bill he hath already prayed.

JAMES STEVENS, *Complainant.*

And another petition for a commission to take testimony was filed A pril 25th, as follows: In bills,

JAMES STEVENS
vs.
ISAAC H. CADY.

And

SAME
vs.
GLADDING & PROUD.

When, on the rule day in October last, bonds were required of me, it was inquired how many depositions would probably be taken, my answer was, "not exceeding 3 or 4," then the bonds were ordered to be given for two hundred dollars; I inferred from this that I could take testimony at any time when the commissions should issue; and, in consequence of my exceptions being overruled, that the replications which were filed before, and which were, and still are, filed with the papers in these bills, would attach. In fact, I left those replications among the papers with the bills for the purpose of their being ready filed, in court, to be used when required. At the November term of this court, I applied for and obtained permission to amend my bill,

and it was to have been done in 60 days, or go to trial on bill and answer.

At the expiration of the 60 days I was senseless with sickness, and remained in bed 100 days, and am still too unwell to leave my room. I applied, on the 30th March, to the circuit court for commissions to issue to take testimony, and sent my application to the clerk of this court on that day, and requested the clerk to enter on the order book, "The complainant in bills, James Stevens vs. Isaac H. Cady, same vs. Gladding & Proud, applies for commissions to issue to take testimony in said causes." Rule day, April, 1849. The commission may be joint. This complainant now prays this honorable court that he may now file his replications, as those already filed have been considered not in proper time, and that the objections of these respondents' counsel to filing these replications be overruled, and that the commissions issue.

JAMES STEVENS.

Rule day, May, 1849.

And at the rule day in June following, the respondents assented to the issuing of the commission, under the following terms:

Agreement of respondents.

We agree that a commission may issue to take the testimony of witnesses on interrogatories, in the cases Stevens vs. Cady, and Stevens vs. Gladding & Proud, on condition that the cases shall be tried at the next term of the circuit court, if the respondents claim a trial, and that reasonable notice and accommodation be extended to respondents and counsel in taking the testimony.

TILLINGHAST & BRADLEY,
For respondents.

Providence, June 5th, 1849.

Whereupon the following commission issued:

Commission.

[L. S.] UNITED STATES OF AMERICA,
Rhode Island district, sc.

The circuit court of the United States, within and for the Rhode Island district, to Joseph S. Pitman, esq., of Providence, in said district.

Know ye, that, reposing confidence in your wisdom, prudence, and fidelity, we have appointed, and by these presents do authorize and empower, you to take the answers to the interrogatories hereunto annexed of Sarah Sherman, of Newport, and Henry F. Walling, of Providence, in said district, and the deposition of Chester W. Greene,

to be taken without interrogatories, in the usual mode, to be used in a certain cause in equity, now pending in said court, wherein James Stevens is complainant, against Isaac H. Cady, respondent.

And to this end, at certain days, to be by you appointed for that purpose, to cause said witnesses, as aforesaid, to be brought before you, and each witness, while present before you, to examine carefully on oath touching the premises. And when you shall have taken the examination as aforesaid, to reduce, or cause the same to be reduced, to writing, and to be subscribed by each of said witnesses in your presence. And the same, so taken and subscribed, to return, together with this commission, and your doings herein enclosed, sealed and directed to the circuit court aforesaid, as soon as may be.

In testimony whereof, we have caused the seal of the said circuit court to be hereunto affixed.

Witness the honorable Roger B. Taney, our chief justice, at Providence, this ninth day of June, in the year of our Lord one thousand eight hundred and forty-nine.

JOHN T. PITMAN, *Clerk*.

N. B. You shall not, except by the consent of the parties, in writing, permit either party to attend at the taking of the depositions, either himself, or by any attorney or agent, nor to communicate, by interrogatories or suggestions, with the deponent whilst giving their deposition in answer to the interrogatories annexed to this commission. And you shall take such deposition in a place separate and apart from all other persons, and permit no person to be present during such examination, except the deponent and yourself, and such disinterested person (if any) as you may think fit to appoint as a clerk, to assist you in reducing the deposition to writing. And you shall put the several interrogatories and cross interrogatories to the deponents in their order, and take the answer of the deponent to each fully and clearly.

RHODE ISLAND DISTRICT, *sc.*

CLERK'S OFFICE, CIRCUIT COURT,
At Providence, June 13, 1849.

Then personally appeared the above named Joseph S. Pitman, and made oath, that he would faithfully and impartially discharge his duties, according to the best of his skill and understanding. Before me,
JOHN T. PITMAN, *Clerk*.

CIRCUIT COURT OF THE U. STATES,
Rhode Island district.

Interrogatories to be propounded to Sarah Sherman, of the town and county of Newport, Rhode Island district, in bill, James Stevens vs. Isaac H. Cady.

Did you or not deliver to Benjamin Cowell, clerk of the district court

of Rhode Island district, one of the maps of the State of Rhode Island, &c., published by James Stevens, A. D. 1832, sent to you in Providence for that purpose? State when, where, and under what circumstances.

JAMES STEVENS.

Cross interrogatories waived.

TILLINGHAST & BRADLEY,
For respondents.

Interrogatories to be propounded to Henry F. Walling, of the city and county of Providence, Rhode Island district, in bill, James Stevens vs. Isaac H. Cady.

Did you or not obtain from Isaac H. Cady, by purchase, gift, or otherwise, one of the maps of the State of Rhode Island, &c.? If yea, state how, when, and where you obtained said map.

Can you show said map; have you any means of identifying said map? Give the title and date of said map.

JAMES STEVENS.

Cross interrogatories waived.

TILLINGHAST & BRADLEY,
For respondents.

To the honorable the circuit court of the United States, for the Rhode Island district.

Joseph S. Pitman, the within named commissioner, respectfully reports, that, in conformity with the directions herein contained, he took, on the fourteenth day of June, A. D. 1849, at Providence, the deposition of Henry F. Walling, who was first duly summoned to appear at his office to give evidence in the within named cause; and that said Walling, having first been duly sworn to testify the truth, the whole truth, and nothing but the truth, gave his deposition hereto annexed, which was reduced to writing by me in his presence, and by him signed in my presence, no other person being present; and that, on the fifteenth day of June, A. D. 1849, the within named Sarah Sherman, of Newport, having been first duly summoned, appeared before the above named commissioner, at Newport, and having been first duly sworn as aforesaid, gave her deposition hereto annexed, which was reduced to writing in her presence by me, and by her signed in my presence, no other person being present; and that, on the same day, under an agreement hereto annexed, signed by James Stevens, for himself, and Charles S. Bradley, esq., for the respondent, at Newport, he took the deposition of Chester W. Greene, hereto annexed, he having been first duly sworn to testify the truth, the whole truth, and nothing but the truth, which was reduced to writing by me in his presence, and by him signed in my presence; the parties to the bill being present in person or by counsel. The commissioner aforesaid, before proceeding to execute the duties enjoined by the within commission, having been

duly sworn to the faithful and impartial discharge of his duties under the same.

JOSEPH S. PITMAN, *Comm'r*.

Newport, June 15, 1849.

Commissioner's fees—

Depositions, 3 witnesses,	$6 00
Citations to 2 witnesses,	1 00
Travel, 30 miles	3 00
	$10 00

I, Henry F. Walling, of the city and county of Providence, in the State of Rhode Island, &c., of lawful age, being first cautioned and sworn, on oath depose and say—

Interrogatory propounded by James Stevens.

Did you or not obtain from Isaac H. Cady, by purchase, gift, or otherwise, one of the maps of the State of Rhode Island, &c.? If yea, state how, when, and where, you obtained said map. Can you show said map; have you any means of identifying said map? Give the title and date of said map.

Answer. Mr. Cady gave me one of them shortly after they were published; I do not recollect the date. I obtained it at Mr. Cady's bookstore; I think the map was dated 1846. It was called the latest edition of Stevens' map, I believe. I cannot show the map, as it is not now in my possession. The title, as near as I remember, was "Map of the State of Rhode Island and Providence Plantations, surveyed trigonometrically and in detail, by James Stevens, topographer and civil engineer, Newport, R. I., with corrections and additions by S. B. Cushing and H. F. Walling." I think the date is 1846. I have no means of identifying the particular map I had from others of the same edition.

H. F. WALLING.

Witness' fees, attendance one day, $1 25.

Subscribed and sworn to, this fourteenth day of June, A. D. 1849, before me,

JOSEPH S. PITMAN, *Comm'r*.

I, Sarah Sherman, of the town and county of Newport, in the State of Rhode Island, of lawful age, having been duly sworn according to law, on oath depose and say—

Questions by James Stevens, propounded in writing, in bill, James Stevens vs. Isaac H. Cady.

Did you or not deliver to Benjamin Cowell, clerk of the district court of Rhode Island district, one of the maps of the State of Rhode Island, &c., published by James Stevens, A. D. 1832, sent to you in Provi-

dence for that purpose? State when, where, and under what circumstances.

Answer. I was in Providence, at the City hotel, on the 14th of February, 1833; Mr. Stevens' son brought to me from Fall river two of those maps. I went to Mr. Cowell's office, clerk of the district court, for the district of Rhode Island, and placed in his hands both of these maps. He told me he had received one already. I replied, that Mr. Stevens had directed me to deliver both these to him, and I did so. I delivered them on the 14th of February, 1833.

SARAH SHERMAN.

Witness' fees, one day's attendance, $1 25.

Subscribed and sworn to, this fifteenth day of June, A. D. 1849, before me.

JOSEPH S. PITMAN, *Comm'r.*

The parties agree that the testimony of Chester W. Greene be taken, without filing interrogatories in writing in the clerk's office prior to such taking.

JAMES STEVENS, *Complainant.*
TILLINGHAST & BRADLEY,
For respondents.

I, Chester W. Greene, of Fall River, in the county of Bristol, in the State of Massachusetts, of lawful age, being first duly sworn according to law, on oath depose and say—

Questions by Charles S. Bradley, esq., counsel for the respondents.

Were you deputy sheriff of the county of Bristol, commonwealth of Massachusetts, in the month of May, 1846?

Answer. Yes.

Question. Is the paper marked A, a true copy of the original of which it purports to be a copy?

Answer. It is. I made it a copy from the original, and examined and compared them.

Cross examined.

Question by James Stevens, complainant. Did you sell the copper plate alluded to in the paper referred to?

Answer. I did.

Question. Where, how, and of whom did you obtain it?

Answer. I received it from the former deputy sheriff, Paddock R. Read.

Question. Do you know where he obtained it?

Answer. I know nothing about that.

Direct examination resumed.

Question by Mr. Bradley. Please state the value of the plate, apart from the right of using the plate, i. e. as copper.

Answer. I do not know the value; I should think it was trifling.

C. W. GREENE.

Witness' fees, attendance, $1 25.

Subscribed and sworn to, this fifteenth day of June, A. D. 1849, before me,

JOSEPH S. PITMAN, *Comm'r.*

Paper referred to, marked (A.)

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss.*

[L. S.] To the sheriff of our county of Bristol, or to his deputy, greeting:

Whereas, Sarah Stevens, of Fall river, in said county of Bristol, single woman, by the consideration of our justices of our court of common pleas, holden at Taunton, for and within our county of Bristol aforesaid, on the second Monday of March, last past, recovered judgment against James Stevens, of Newport, in the county of Newport, and State of Rhode Island, yeoman, for the sum of one hundred and seventy-six dollars damage, and eighteen dollars and twenty-three cents costs of suit, as to us appears of record, whereof execution remains to be done—

$176	00
18	23
$194	23
	25

We command you, therefore, that of the goods, chattels, or lands of the said James, within your precinct, you cause to be paid and satisfied unto the said Sarah, at the value thereof in money, the aforesaid sums, being one hundred and ninety-four dollars and twenty-three cents in the whole, and twenty-five cents more for this writ; and thereof also to satisfy yourself for your own fees; and for want of goods, chattels, or lands of the said James, to be by him shown to you, or found within your precinct, to the acceptance of the said Sarah, we command you to take the body of the said James, and him commit unto our gaol at Taunton or New Bedford, in our county of Bristol aforesaid, and detain in your custody, within our said gaol, until he pay the full sums above mentioned, with your fees, or that he be discharged by the said Sarah, the creditor, or otherwise, by order of law. Hereof fail not, and make return of this writ, with your doings therein, into our said court of common pleas, to be holden at New Bedford, within and for our county of Bristol aforesaid, upon the second Monday of June next.

Witness Daniel Wells, esquire, at Taunton, the eleventh day of April, in the year of our Lord one thousand eight hundred and forty-six.

JAMES SPROAT, *Clerk.*

A true copy: Attest—

C. W. GREENE, *Deputy sheriff.*

The date of the contract on which this judgment is founded is—

BRISTOL, *ss.*, *May 6th*, 1846.

By virtue of this execution, on the 25th day of April last, I seized and took from P. R. Read, formerly deputy sheriff, one copperplate, for a map of the State of Rhode Island, a lot of blank paper, and one printing press, being the same that was attached by him on the original writ, as the property of the within named James Stevens, and having safely kept more than four days, and giving public notice of the time and place of sale, by advertising the same in the newspapers called the Fall River Monitor, and the Providence Daily Journal, I, on the 6th day of May aforesaid, sold the said copperplate, at public auction, to Isaac H. Cady, for two hundred and forty-five dollars, he being the highest bidder for the same, and from the amount of said sale I have taken—

Five dollars paid P. R. Read charges on property	-	-	$5 00
One dollar for moving and storing	do.	-	1 00
Three dollars for advertising	do.	-	3 00
One hundred and ninety-four $\frac{48}{100}$ dollars to satisfy execution			194 48
Five $\frac{89}{100}$ dollars for levy of execution	-	-	5 89
And $\frac{64}{100}$ dollars for return of execution	-	-	64
			$210 01

C. W. GREENE, *Deputy sheriff*.

A true copy of my return.

Attest: C. W. GREENE, *Deputy sheriff*.

November term, A. D. 1849.

This cause came on to be heard on the bill, answer, replication, and depositions, and other papers in the case, and after the hearing, it is ordered by the court, that the following entry be made on the minutes in relation to the same:

"The court differ in opinion as to the effect of sale of the copperplate, but agree that injunction cannot issue without a return of the money paid for the plate."

And afterwards, at the same term, Mr. Stevens having the election to return the price of the plate or not, elected not to return the same. Upon which the respondent moves that the bill be dismissed; which is dismissed, as follows:

This cause having been heard on the bill, answer, and other pleadings therein, and the complainant having refused to pay to the respondent the money paid by the said respondent for the copperplate of the map in question as required by the court:

It is now, on motion of the respondent, and by the consideration of the court, ordered, adjudged, and decreed, that the said bill be, and the same is hereby, dismissed with costs.

Attest: JOHN T. PITMAN, *Clerk*.

And afterwards, the said complainant filed the following petition for appeal:

CIRCUIT COURT OF THE UNITED STATES,
Rhode Island district.

JAMES STEVENS
vs.
ISAAC H. CADY. } Bill in equity.

The complainant in said bill appeals from the order, judgment, opinion, decision, or decree of this court, in said bill, to the Supreme Court of the United States.

JAMES STEVENS, *for himself.*

October 20, 1851.

Whereupon the following order was made at chambers, October 20, 1851:

The above appeal allowed on condition that the appellant gives bond for the prosecution of the said appeal at the next term of the Supreme Court, with effect, in the sum of $200, with sufficient surety; to be filed in the office of the clerk of this circuit court for this district, on or before the 30th instant.

JOHN PITMAN,
District judge, U. S., for R. I. district.

And afterwards, on the 21st day of October, was duly filed the following bond:

Appeal bond.

RHODE ISLAND DISTRICT, *sc.*

Know all men by these presents, that I, James Stevens, as principal, and Jonathan T. Almy, as surety, both of Newport, in said district, are held and firmly bound unto Isaac H. Cady, of the city and county of Providence, in said district, (as formerly,) but now of the city and State of New York, in the full and just sum of two hundred dollars; to the payment of which sum, unto the said Isaac H. Cady, his executors and administrators, we hereby bind ourselves, our executors, and administrators, by these presents.

The condition of the above obligation is such, that whereas the said James Stevens has appealed [in] a certain cause in equity wherein the said Stevens, is complainant, and the said Isaac H. Cady, is respondent, from a decree rendered therein, dismissing said bill rendered at the November term, A. D. 1849, of said court, to the Supreme Court of the United States, next to be holden at Washington, in the District of Columbia, on the first Monday of December next.

Now, therefore, if the said James Stevens shall prosecute his said appeal before said Supreme Court of the United States with effect, and

shall well and truly pay all such costs and damages as shall be adjudged for him to pay by said Supreme Court, or by said circuit court by reason of said appeal, then the before written obligation shall be void and of no effect, otherwise it shall remain in full force and effect.

Sealed with our seals, and dated this twenty-first day of October, A. D. eighteen hundred and fifty-one.

JAMES STEVENS, [L. S.]
JONATHAN T. ALMY. [L. S.]

Signed, sealed, and delivered in the presence of—
WM GILPIN to JAMES STEVENS,
WM. J. ROBERTS.
Nov. 11th, 1851.

Approved: JOHN PITMAN,
District judge, U. S., R. I. district.

UNITED STATES OF AMERICA,
Rhode Island district, sc.

Clerk's office, circuit court, at Providence, November 21, A. D. 1851.

I, John T. Pitman, clerk of the circuit court of the United States, within and for said district, do hereby certify, that the above and foregoing twenty-eight pages, numbered 4 to 32, both inclusive, contain a true transcript from the record of the cause in equity, James Stevens and Isaac H. Cady, duly examined and compared.

[L. S.] In testimony whereof I have hereunto set my hand and the seal of said circuit court, on the day and year above written.

JOHN T. PITMAN, *Clerk.*

RHODE ISLAND DISTRICT, *sc.*

The President of the United States of America, to the marshal of said district or to his deputy, greeting:

You are hereby required to make known to Isaac H. Cady, of the city of New York, in the county and State of New York, formerly of the city and county of Providence, in the State of Rhode Island, and a citizen of the State of Rhode Island, or to his solicitors, Tillinghast and Bradley, esquires, of Providence, in said district; that in a certain cause in equity, disposed of at the November term, A. D. 1849, of the circuit court of the United States, within and for the Rhode Island district, wherein James Stevens, of the town and county of Newport, in said State of Rhode Island, a citizen of the State of Rhode Island, was complainant, and the said Isaac H. Cady was respondent; the said complainant has appealed from the decree of the said circuit court rendered against him, unto the Supreme Court of the United States, next to be holden at Washington, within and for the said United States, on the first Monday of December next; which appeal has been duly allowed.